

## **REMARKS**

Applicants reply to the Office Action mailed on April 7, 2006. Claims 1-23 were pending and the Examiner rejects claims 1-23. Applicants amend various claims, cancel claim 23 and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

### **Claim Rejections**

#### **§112 Rejections**

Claims 19 and 23 are rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. Applicants cancel claim 23, without prejudice to filing one or more claims having similar subject matter, thereby rendering any rejection of this claim moot. Regarding claim 19, Applicants assert that the claim is supported in at least paragraph [00232] of the specification below:

In another embodiment, the system may send a signal to a primary account holder or any other person or device to notify them that the fob is being used or that a condition or rule is being violated (*e.g.*, charge above \$1000).

Thus, Applicants request withdrawal of the objection to claims 19 and 23.

#### **§103(a) Rejections**

Claims 1-12 and 17-18 and 20-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Black, U.S. 6,925,565 ("Black") in view of Huennekens, et al., U.S. 2003/0004866 ("Huennekens"). Claim 13 further stands rejected over Black/Huennekens in

view of Martizen et al. as cited in the previous Office Action. Claim 14 stands rejected over Black/ Huennekens/Martizen in view of Moebs as cited in the previous Office Action. Claim 15 stands rejected over Black/Huennekens in view of Teicher as cited in the previous Office Action. Claim 16 stands rejected over Black/Huennekens in view of Goodman as cited in the previous Office Action. Claim 19 stands rejected over Black/Huennekens in view of Haala as cited in the previous Office Action or alternatively in view of Black U.S. 2005/0122209 ("Black II").

Black is directed towards the use of biometric authentication in connection with various known transaction devices, such as an RFID device having a single transponder. Huennekens is directed generally towards a system for assessing the risk of allowing a transaction to exceed a credit limit associated with an account. Martizen is directed generally towards associating biometric samples with user and account information. In contrast, the presently claimed invention is directed towards a multi-transponder system and method in which biometric samples are used to select or include transponders for use in completing a transaction.

Thus, while Black, Huennekens, Martizen, Moebs, Teicher, Haala, Goodman, and Black II may disclose various wireless transaction and biometric security technologies, neither Black, Huennekens, Martizen, Moebs, Teicher, Haala, Goodman, Black II, nor any combination thereof, disclose or suggest at least "a first transponder responsive to a first RF interrogation signal from a reader; a second transponder associated with said first transponder and responsive to a second RF interrogation signal, said first RF interrogation signal distinct from said second RF interrogation signal; . . . a verification device configured to verify said proffered biometric sample to selectively activate one of said first and second transponders to facilitate a payment transaction" as recited in amended independent claim 1.

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Similarly, claims 2-22 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Applicants cancel claim 23 without prejudice to filing one or more claims containing similar subject matter in other applications. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-22.

### **CONCLUSION**

Applicants respectfully submit that the pending claims (22 total, 1 independent) are in condition for allowance. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Dated: August 7, 2006

Respectfully submitted,

By: \_\_\_\_\_

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